

FIFTH DAY

(Continued)

(Thursday, January 22, 1953)

After Recess

The Senate met at 10:30 o'clock a. m., and was called to order by the President.

Resolution Signed

The President announced the signing of, in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 4, Recommending to Congress the passage of package bill for settlement of the tidelands.

Leave of Absence

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Lock.

Senate Resolution 20

Senator Aikin offered the following resolution:

Whereas, Hon. Jess B. Alford of Paris, Texas, is a visitor to the Capitol today; and

Whereas, It is the desire of the Senate to welcome this outstanding citizen; now, therefore, be it

Resolved, By the Senate, that Mr. Alford be extended the privilege of the floor for today.

The resolution was read and was adopted.

Senator Aikin presented the Honorable Jess B. Alford to the members of the Senate.

Senate Resolution 21

Senator Wagonseller offered the following resolution:

Whereas, We are honored today to have with us Dr. Karl Multerer, of Leoben, Austria; and

Whereas, Dr. Multerer is a visiting professor of Germanic Languages at the University of Texas; and

Whereas, Dr. Multerer is very interested in observing the American system of democracy; and

Whereas, Dr. Multerer is in this country on a Fulbright scholarship; now, therefore, be it

Resolved, That Dr. Multerer be officially welcomed and recognized by the Senate, and that he be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Senator Wagonseller presented Dr. Karl Multerer to the members of the Senate.

Co-Author of Bill

Senator Bell asked unanimous consent to be shown as co-author of S. B. No. 30.

There was no objection offered.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
January 22, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 7, Adopting the Joint Rules of the House of Representatives and Senate.

H. C. R. No. 11, Commending the Midwestern Indian Band of Wichita Falls, Texas.

H. C. R. No. 12, Congratulating the Honorable Dwight D. Eisenhower, President of the United States, upon his selection of the Honorable Robert Bernard Anderson as Secretary of the Navy.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 11

The President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 11, Commending the Midwestern Indian Band of Wichita Falls, Texas.

On motion of Senator Moffett, and by unanimous consent, the resolution was read second time and was adopted.

House Concurrent Resolution 12

The President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 12, Congratulating the

Honorable Dwight Eisenhower upon selection of Honorable R. B. Anderson as Secretary of Navy.

On motion of Senator Moffett, and by unanimous consent, the resolution was read second time and was adopted.

Reports of Standing Committees

Senator Parkhouse submitted the following committee reports:

Austin, Texas,
January 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 28, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARKHOUSE, Chairman.

Austin, Texas,
January 21, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred S. B. No. 6, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARKHOUSE, Chairman.

Senate Concurrent Resolution 5

Senator Colson offered the following resolution:

S. C. R. No. 5, Granting Oliver Chilled Plow Works et al. permission to sue the State.

Whereas, Each of the corporations hereinafter named, at various times paid certain franchise taxes and filing fees to the State of Texas in the amounts set forth immediately following their respective names, as follows:

1. Oliver Chilled Plow Works
Franchise taxes and/or
filing fees \$ 2,770.00
2. The Mortgage Bond
Company
Franchise taxes and/or
filing fees 2,263.36
3. Rand McNally and
Company
Franchise taxes and/or
filing fees 6,902.30

4. Southwestern Gas and
Electric Company
Franchise taxes and/or
filing fees 10,600.66
5. Silver Burdett and
Company
Franchise taxes and/or
filing fees 6,790.50
6. Maryland Trust
Company
Franchise taxes and/or
filing fees 10,140.00
7. Evans-Snyder-Buell
Company
Franchise taxes and/or
filing fees 1,156.00
8. Southwestern Portland
Cement Company
Franchise taxes and/or
filing fees 7,571.25

Whereas, Each of the above named corporations, all being foreign corporations, and their successors and assigns, maintain that the above mentioned franchise taxes and filing fees were illegally and unlawfully exacted of them in the amounts shown above, respectively, under unconstitutional or invalid laws; and

Whereas, None of such corporations nor those succeeding to such causes of action have heretofore been able to file suit against the State of Texas on such claims, or to otherwise obtain payment thereof, now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that each of the above named corporations, its successors and assigns as well as any and all holders of such causes of action, whether corporate, individual, fiduciary or otherwise, are hereby granted permission to sue the State of Texas to determine whether or not and in what amount taxes and filing fees have been heretofore illegally exacted of the above named corporations, their predecessors or successors, respectively, and to recover judgment against the State of Texas for any such amount so illegally and unlawfully exacted and collected of and paid by each of such corporations respectively, or their predecessors or successors.

It is especially understood that the purpose of this Resolution is to grant permission to sue the State of Texas to each of the respective corporations named above, and its successors and assigns as well as any and all holders of such causes of action, whether corporate, individual, fiduciary or otherwise; and nothing herein shall be construed as an admission of liability

against the State, and the facts upon which the respective plaintiffs may seek to recover must be proved as in any other case.

Service of citation for the purpose herein granted may be had upon the State of Texas by serving the Attorney General of Texas and the Secretary of State of the State of Texas.

Venue herein shall lie in any District Court of Travis County, Texas.

Permission to sue the State of Texas is granted severally to the various corporations listed above, and their successors and assigns, as well as any and all holders of such causes of action, whether corporate, individual, fiduciary or otherwise; but two (2) or more thereof are authorized and may elect to bring suit together, and such shall not constitute a misjoinder of parties or causes of action.

The resolution was read and was referred to the Committee on State Affairs.

Senate Resolution 22

Senator Lane offered the following resolution:

Whereas, We are honored to have in the gallery of the Senate of Texas, two citizens of Shelby County, the Honorable Eddie Bailey and the Honorable W. J. McLeroy; and

Whereas, These gentlemen are outstanding citizens of Shelby County and East Texas; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Senator Lane presented the Honorable Eddie Bailey and the Honorable W. J. McLeroy to the members of the Senate.

Co-Author of Bill

Senator Wagonseller asked unanimous consent of the Senate to be shown as co-author of S. B. No. 24.

There was no objection offered.

House Concurrent Resolution 7

On motion of Senator Bracewell, and by unanimous consent, the President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 7, Adopting the Joint

Rules of the House of Representatives and the Senate.

The resolution was read second time and was adopted.

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

By Senators McDonald, Hazlewood, Ashley, Corbin, Rogers of Travis, Latimer, Fuller and Willis:

S. B. No. 40, A bill to be entitled "An Act amending Article XVII, Chapter 184, Acts of the Regular Session of the 47th Legislature, as amended by Chapter 298, Acts of the Regular Session of the 48th Legislature, as further amended by Section XXII, Chapter 402, Regular Session of the 52nd Legislature, by adding to Section 2 of said Act a new subsection to be numbered as subsection (f), providing for the volume correction of motor fuel sold for the purpose of resale in Texas to the volume a gallon of motor fuel would occupy at a temperature of sixty degrees (60°) Fahrenheit; providing that when motor fuel purchases on a volume corrected basis is thereafter sold for refund purposes the tax accounting shall also be on a corrected volume basis; amending Section 27 of said Act to add penalty provisions for violations of the Act as amended; preserving taxes, penalties, interest, fines, forfeitures and bond liabilities as they existed prior to the effective date of the Act; preserving criminal penalties for offenses committed prior to the effective date of this Act; containing a saving clause; and declaring an emergency."

To Committee on Oil, Gas and Conservation.

By Senators Parkhouse and Sadler:

S. B. No. 41, A bill to be entitled "An Act amending Section 6 of Article III of H. B. No. 8, Acts, 44th Legislature, Third Called Session, as amended and re-enacted by H. B. No. 377, Acts of the Regular Session, 45th Legislature, as amended by H. B. No. 202, Chapter 347, Acts of the Regular Session, 50th Legislature, relative to admission taxes on places of amusement, so as to change the base rate of the tax as to admissions to theaters, motion picture theaters, operas, plays and like amusements and so as to

provide for penalties for failure to make the quarterly report or to make a false or incomplete report or failure to pay the tax when due; and declaring an emergency."

To Committee on State Affairs.

By Senator Shireman:

S. B. No. 42, A bill to be entitled "An Act re-enacting and amending Articles 563 and 564 of the Code of Criminal Procedure of the State of Texas, 1925, relating to change of venue, providing for a change of venue in the trial of felony cases or in the trial of misdemeanor cases in the County Court when jury cannot be had; providing for determination of all motions to set aside the indictment, information or complaint before granting an application for change of venue, and for determination of special pleas and exceptions filed which are to be determined by the judge, and for entry of plea of not guilty, if overruled; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Parkhouse:

S. B. No. 43, A bill to be entitled "An Act amending Title 46, Revised Civil Statutes of Texas, 1925: By amending Article 2465 Vernon's Revised Civil Statutes of Texas, 1925, as amended by Acts 1951, 52nd Legislature, page 233, Chapter 139, Section 5; and by amending Article 2477, Vernon's Revised Civil Statutes of Texas, 1925, as amended by Acts 1949, 51st Legislature, page 346, Chapter 173, Section 9, by providing for making loans and investing funds on real estate security under certain conditions; and by amending Article 2483 Vernon's Revised Civil Statutes of Texas, 1925, by providing for notice to the Banking Commissioner and supervision by him in case of liquidation; and by adding to said Article 2483 another section to provide for converting a State Credit Union organized under the laws of the State of Texas to a Federal Credit Union, also a section to provide for the conversion of a Federal Credit Union to a State Credit Union organized under the laws of the State of Texas; and amending Article 2484, Vernon's Revised Civil Statutes of Texas, 1925, as amended by Acts 1949, 51st Legislature, page 346, Chapter 173, Section 10; setting out the Legislative intent

in a Saving Clause; and declaring an emergency."

To Committee on Banking.

By Senator Kelley:

S. B. No. 44, A bill to be entitled "An Act making an emergency appropriation to the State Department of Agriculture for the operating expenses of the Citrus Division for the remainder of the calendar year of 1953, provided for its expenditures under the general provisions of House Bill No. 426, Regular Session, Fifty-second Legislature; and declaring an emergency."

To Committee on Finance.

By Senator Russell:

S. B. No. 45, A bill to be entitled "An Act authorizing the governing body of any incorporated city or town (including home rule cities) having a population of 25,000 habitants or less, according to the last preceding Federal Census, to lease any city-owned hospital or part thereof to be operated by the lessee as a public hospital under such terms and conditions as may be agreed upon by such governing body and lessee; providing for the authorization and execution of the lease and lease agreement; providing the term to be covered by such lease; and declaring an emergency."

To Committee on Public Health.

By Senators Fuller and Bracewell:

S. B. No. 46, A bill to be entitled "An Act to eliminate the disadvantage to Lamar State College of Technology, Beaumont, Texas, and Texas Southern University, Houston, Texas, occasioned by their exclusion from the benefits of the State tax to finance buildings at State institutions of higher learning; authorizing the elimination of tuition and laboratory fees at said institutions and the substitution of special building-use fees in lieu thereof for a specified time; authorizing the issuance of bonds or warrants by the respective governing bodies of said institutions to provide buildings and other permanent improvements and prescribing the terms and conditions upon which such bonds or warrants may be issued; providing that this Act may be cumulative of other laws and authorizing the collection of certain tuition and laboratory fees upon stated conditions; providing a saving clause; and declaring an emergency."

To Committee on Finance.

By Senator Parkhouse:

S. B. No. 47, A bill to be entitled "An Act to amend Article 1.15, Acts 52nd Legislature, Chapter 491, so as to provide that the Chairman of the Board of Insurance Commissioners shall once each three years, or oftener if he deems it necessary, in person or by persons commissioned by him, visit each company under the laws of this State and examine its financial condition and its ability to meet its liabilities as well as its compliance with the laws of this State, and to provide that he may make such examinations of companies not organized under the laws of this State, either alone or jointly with representatives of the Insurance Supervising Departments of other states; and to provide for free access to all books and papers of the companies or agents thereof, and to provide for the power to summon and examine under oath all persons within the state relative to the affairs of such company; and to provide for the revocation or modification of any certificate of authority upon ten (10) days' notice; and declaring an emergency."

To Committee on Insurance.

By Senator Willis:

S. B. No. 48, A bill to be entitled "An Act amending Article 4604 of the Revised Civil Statutes of Texas, 1925, as amended, to provide certain requirements for the issuance of marriage licenses by county clerks; requiring certain information to be included in such application and in the license; providing for public inspection of such application for 48 hours; providing for form and sufficiency of such license; providing that any attempted marriage without such a valid license shall be null and void; and declaring an emergency."

To Committee on State Affairs.

By Senator Phillips:

S. B. No. 49, A bill to be entitled "An Act to amend Article 893 of the Penal Code of Texas, 1925, relating to the forfeiture of hunting licenses and loss of hunting privileges following conviction for violating of the same laws of this State, by authorizing the Game and Fish Commission to reinstate forfeited hunting licenses and to restore hunting privileges; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Bell:

S. B. No. 50, A bill to be entitled "An Act amending subdivision (1) of Section 17 of Article I of the Texas Liquor Control Act; repealing laws in conflict herewith; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Willis:

S. B. No. 51, A bill to be entitled "An Act amending Article 4632 of the Revised Civil Statutes of Texas, 1925, to provide for delay in hearing and granting of divorces; prohibiting decree of default, and authorizing jury trial; and declaring an emergency."

To Committee on State Affairs.

By Senator Willis:

S. B. No. 52, A bill to be entitled "An Act to amend Section 1, Chapter 323, Acts of the 52nd Legislature, 1951, by providing that all counties may create the office of County Fire Marshal; repealing all laws in conflict herewith; and declaring an emergency."

To Committee on State Affairs.

By Senator Bracewell:

S. B. No. 53, A bill to be entitled "An Act providing that vehicles used exclusively to transport ready-mix concrete may be operated upon the public highways of this State with a tandem axle load not to exceed Thirty-six Thousand (36,000) pounds by first filing with the State Highway Department a properly conditioned surety bond; and declaring an emergency."

To Committee on State Highways and Motor Traffic.

By Senator Fuller:

S. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas to provide a four-year term of office for elective district, county and precinct offices; staggering the terms of such offices by having certain holders of such offices be elected for terms of varying length in the November, 1954, general election; and providing for the necessary proclamation and election.

To Committee on Constitutional Amendments.

By Senator Bracewell:

S. J. R. No. 5, A joint resolution proposing an amendment to the Con-

stitution of the State of Texas fixing the terms and salaries of certain constitutional officers by amending Section 4 of Article 4 of the Constitution of the State of Texas and Section 5 of Article 4 of the Constitution of the State of Texas as amended by adoption of Senate Joint Resolution No. 14 of the Regular Session of the Forty-fourth Legislature by a vote of the people on November 3, 1936, fixing the salary of the Governor at not less than twenty-five thousand (\$25,000.00) dollars per annum and fixing his term of office at four years; by amending Section 22 of Article 4 of the Constitution of the State of Texas as amended by adoption of Senate Joint Resolution No. 14 of the Regular Session of the Forty-fourth Legislature by a vote of the people on November 3, 1936, fixing the salary of the Attorney General at not less than fifteen thousand (\$15,000.00) dollars per annum and his term of office at four years; by amending Section 23 of Article 4 of the Constitution of the State of Texas as amended by adoption of Senate Joint Resolution No. 14 of the Regular Session of the Forty-fourth Legislature by a vote of the people on November 3, 1936, fixing the salary of the Comptroller of Public Accounts, Treasurer and Commissioner of the General Land Office at not less than twelve thousand (\$12,000.00) dollars per annum and their term of office at four years; by amending Section 21 of Article 4 of the Constitution of the State of Texas as amended by adoption of Senate Joint Resolution No. 14 of the Regular Session of the Forty-fourth Legislature by a vote of the people on November 3, 1936, fixing the salary of the Secretary of State at not less than twelve thousand (\$12,000.00) dollars per annum; providing for its submission to the voters of the State of Texas as required by the Constitution and making an appropriation therefor.

To Committee on Constitutional Amendments.

Senate Bill No. 6 on Second Reading

Senator Fuller moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 6 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Kazen	Rutherford
Kelley	Sadler
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Absent

Hardeman	Parkhouse
Hazlewood	

Absent—Excused

Weinert

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 6, A bill to be entitled "An Act validating, ratifying, approving, and confirming certain proceedings and bonds heretofore voted by incorporated cities or towns; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 6 on Third Reading

Senator Fuller moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Ashley	Phillips
Bell	Rogers
Bracewell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Fuller	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent

Hardeman	Moore
Hazlewood	Parkhouse

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Moffett
Ashley	Phillips
Bell	Rogers
Bracewell	of Childress
Colson	Rogers of Travis
Corbin	Russell
Fuller	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent

Hardeman	Moore
Hazlewood	Parkhouse

Absent—Excused

Weinert

Appointment of Assignment Committee

The President announced the appointment of the following as Assignment or Employment Committee:

Senators Aikin, Chairman; Ashley, Kazen, Moffett and Phillips.

Adjournment

On motion of Senator Moffett, the Senate at 11:12 o'clock a. m. adjourned until 10:30 o'clock a. m. on Monday, January 26, 1953.

Record of Votes

Senators Phillips and Willis asked to be recorded as voting "nay" on the motion to adjourn.

SIXTH DAY

(Monday, January 26, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Bell

A quorum was announced present.

The invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Our Father Who Art In Heaven, we grow up as a flower, soon to be cut down. Deeply impress upon our minds and hearts the frailties of the flesh; and teach us that it is not by power nor by might, but by Thy spirit that we are to find the answer to all our questions and a solution for all our problems. We pray in Christ's name and for his sake. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday was dispensed with and the Journal was approved.

Leave of Absence

Senator Bell was granted leave of absence for today on account of illness on motion of Senator Strauss.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Shireman:

S. B. No. 54, A bill to be entitled "An Act authorizing certain junior college districts to offer classes to candidates for baccalaureate degrees during their junior and senior years, and to award such degrees; providing that funds heretofore or hereafter appropriated by the Legislature of this State shall not be used to defray the costs of conducting such classes; containing a savings clause; and declaring an emergency."

To the Committee on State Affairs.